

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

FRANK RODRICK,

Petitioner,

v.

Case No. 3:20-cv-173-J-32JRK

MICHAEL CORRIGAN, Duval  
County Tax Collector, JERRY  
HOLLAND, Duval County Tax  
Collector, PAMELA JO BONDI,  
Florida State Attorney General, and  
UNITED STATES ATTORNEY  
GENERAL, at U.S. Department of  
Justice,

Respondents.

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**ORDER**

This case comes before the Court on Plaintiff Frank Rodrick's Motion to Confirm Arbitration Award, filed on February 24, 2020. (Doc. 1). Rodrick filed the case-initiating motion without a \$400.00 filing fee or request to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a), 1915(a)(1). Instead, he sent an unsigned money order for \$47.00 (Doc. 4 at 1). On February 26, 2020, the assigned United States Magistrate Judge issued an Order directing Rodrick either to submit the \$400.00 filing fee or file an application to proceed in forma pauperis no later than March 25, 2020. (Doc. 2).

On April 6, 2020, Rodrick filed a responsive document stating that he refused to pay the \$400.00 fee. (Doc. 3 at 1). He claimed that the case qualified as a miscellaneous matter and that a Denver district court informed him the appropriate fee was \$47.00. Id. On April 13, 2020, the Magistrate Judge issued a Report and Recommendation recommending that Rodrick's case be dismissed without prejudice for failure to prosecute under Local Rule 3.10(a) or, alternatively, that the Motion to Confirm Arbitration Award be denied on its merits. (Doc. 4).

No party has filed an objection to the Report and Recommendation, and the time in which to do so has passed. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); M.D. Fla. R. 6.02(a). However, on April 13, 2020, the same day that the Magistrate Judge issued the Report and Recommendation, Rodrick filed a document entitled "Arbitration Award Review and Confirmation – Miscellaneous Filing Only." (Doc. 5).<sup>1</sup> In that document, Rodrick reiterated that he would only pay the "miscellaneous filing fee" of \$47.00 and requested that the Court expedite review of his arbitration award. Id.

While the Court would be authorized to dismiss this case for failure to prosecute under Local Rule 3.10(a), the Court chooses instead to adopt the

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<sup>1</sup> It is unclear to the Court whether Rodrick had the opportunity to review the Report and Recommendation (Doc. 4) issued by the Magistrate Judge before filing his responsive document (Doc. 5).

alternative recommendation of the Magistrate Judge and deny the Motion to Confirm Arbitration Award on its merits. (See Doc. 4).

Thus, upon de novo review of the file and for the reasons stated in the Report and Recommendation (Doc. 4), it is hereby

**ORDERED:**

1. The Report and Recommendation (Doc. 4) of the United States Magistrate Judge is **ADOPTED** as the opinion of the Court.

2. Plaintiff Frank Rodrick's Motion to Confirm Arbitration Award (Doc. 1) is **DENIED**.

3. The Clerk is directed to terminate all pending motions and close the file.

**DONE AND ORDERED** in Jacksonville, Florida the 7th day of May, 2020.



TIMOTHY J. CORRIGAN  
United States District Judge

tnm  
Copies:

Honorable James R. Klindt  
United States Magistrate Judge

Frank Rodrick  
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